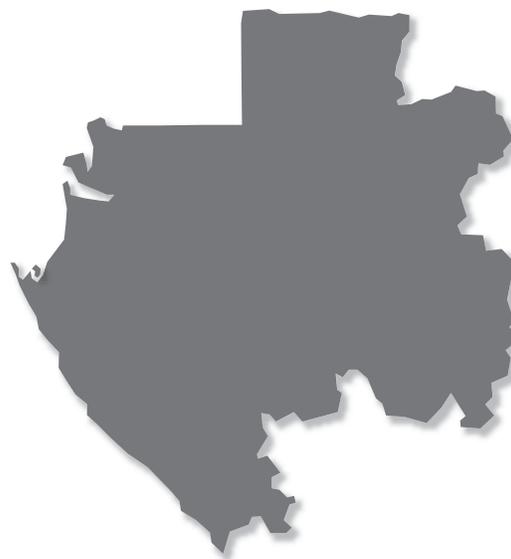


Gabon

During the year, the Government of Gabon adopted legislation prohibiting categories of hazardous work for children. It also collaborated with INTERPOL to rescue children, some of whom were trafficking victims, exploited in street markets. Children continue to be victims of trafficking in Gabon. However, little information is available to assess the extent to which less publicized worst forms of child labor exist and need to be addressed.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Gabon are engaged in the worst forms of child labor,²¹⁸¹ many as a result of trafficking.²¹⁸² Trafficked children work in street market vending and as domestic servants.²¹⁸³ Boys are also trafficked for forced labor in handicrafts workshops and as mechanics, while girls are trafficked into forced labor in restaurants. These children are often from other countries in the region such as Benin, Guinea, Mali, Nigeria and Togo.²¹⁸⁴ There is some evidence children are trafficked within Gabon as well.²¹⁸⁵

Evidence suggests that some children involved in street vending and domestic service are not trafficking victims, however. After a police sweep of street markets in December 2010, the police determined that the majority of children found in street vending were not victims of trafficking.²¹⁸⁶ Some evidence suggests that children involved in street vending in Gabon are required to carry heavy loads.²¹⁸⁷ Street work commonly exposes children to a variety of hazards, including severe weather, vehicle accidents and criminal elements. Children involved in domestic service, who are

primarily girls, commonly perform long hours of work and may be exposed to physical and sexual exploitation by their employer.²¹⁸⁸

Child prostitution also occurs in Gabon; some girls may be trafficked into prostitution.²¹⁸⁹

Children reportedly are engaged in begging in urban areas as well as in forced labor on farms in rural areas.²¹⁹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16. Younger children may be permitted to work with joint consent from the Ministries of Labor, Education and Public Health.²¹⁹¹

The minimum age for hazardous work is 18.²¹⁹² During 2010, the Government issued an amendment to the Labor Code indicating that, in accordance with ILO Recommendation 190, children's involvement in certain broad categories of hazardous work was expressly prohibited.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Such work includes that which exposes children to cruel physical, psychological or sexual treatment; involves dangerous machines or tools or the transport of heavy loads; is carried out underground, underwater, at dangerous heights or in confined spaces; or is conducted in harmful environments such as those that would expose children to dangerous substances.²¹⁹³ The amendment indicated that a decree regarding the kinds of work and types of enterprises in which children cannot work would be formulated by the Ministry of Labor and the Ministry of Health.²¹⁹⁴ Research found no evidence that this comprehensive decree has been issued.

Despite the above provisions, the Labor Code applies only in cases where an employer-employee relationship exists. The ILO Committee of Experts has noted that this application leaves children who are self-employed without protections against the worst forms of child labor.²¹⁹⁵

The Labor Code prohibits forced labor.²¹⁹⁶ Law 09/04 prohibits trafficking of children for labor and sexual exploitation.²¹⁹⁷ Act No. 004/98 sets

the minimum age for voluntary recruitment into the military at 20, and there is no conscription.²¹⁹⁸ The Penal Code prohibits the procurement of a minor for prostitution, and Law No. 21/63-94 prohibits forced prostitution of adults.²¹⁹⁹ The lack of a comprehensive prohibition against child prostitution leaves children unprotected against this form of exploitation. The Penal Code likewise prohibits the use, procuring or offering of a child for pornography.²²⁰⁰

Education is compulsory until age 16. The Constitution calls for the provision of free education; however, in practice, families must pay for supplies, including school uniforms.²²⁰¹ The country also suffers from a shortage of schools and teachers.²²⁰² The indirect costs of education and the lack of sufficient education opportunities may increase the likelihood that children will enter into the worst forms of child labor.

The Government ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in September 2010.²²⁰³

Institutional Mechanisms for Coordination and Enforcement

The Government has established the Interministerial Committee for the Fight Against Child Trafficking to coordinate efforts against the problem. The Ministry of Labor leads the committee, and its other members are the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Human Rights and the Ministry of Health and Social Affairs.²²⁰⁴ However, the Government has not formally named any agency or committee as leading the country's efforts to combat all worst forms of child labor.

Inspectors from the Ministry of Labor are responsible for receiving, investigating and addressing child labor complaints, while the Ministry of Justice is responsible for the

enforcement of child labor laws.²²⁰⁵ The Ministry of Labor provided training to 72 labor inspectors on child labor and trafficking in the informal sector. The Ministry of Labor lacks vehicles and personnel to carry out inspections.²²⁰⁶ In 2009, the ILO Committee of Experts reiterated a request from a sister ILO committee that the Government increase human and financial resources to the labor inspectorate.²²⁰⁷ The Government does not maintain data on child labor investigations.²²⁰⁸

The Interministerial Committee receives a budget to fund investigations and coordinate actions against child exploitation; in 2010, this budget was \$20,000.²²⁰⁹ The Committee and its member ministries employ about 2,000 people involved in various activities to combat trafficking and other worst forms of child labor, some of whom are engaged in enforcement activities.²²¹⁰ During the year, the Government collaborated with U.S. Department of State on a training program for police, gendarmerie, immigration and other officials engaged in trafficking investigations.²²¹¹ The Government collaborated with INTERPOL to provide specific training for law enforcement, social service, judicial and NGO officials in preparation for an anti-trafficking sting operation in December 2010.²²¹²

The December sting, known as Operation BANA, led to the discovery and removal of more than 140 children from various forms of hazardous street work in Libreville. The operation resulted in the arrest and prosecution of 38 suspected traffickers believed to be involved in trafficking of at least 20 children.²²¹³ A team of prosecutors has been assigned to the BANA cases.²²¹⁴ In general, however, government-wide statistics on trafficking arrest and convictions are unavailable. A lack of systems for information sharing between the Ministry of Interior and the Ministry of Justice contributes to this problem.²²¹⁵

Gabon's criminal court, where trafficking cases are currently heard, has not met for the past three years. During the reporting period, the Council

of Ministers debated whether the court should try such cases in a lower court to accelerate their resolution.²²¹⁶ After deciding that trafficking offenses would remain a high crime, the President approved a special session of the Criminal Court to hear trafficking cases. As of the writing of this report, the Ministry of Justice was determining its budget needs for the session.²²¹⁷ To date, however, there still have been no convictions under Law 09/04.²²¹⁸

During 2010, the Government organized an anti-sex trafficking "vice squad" in preparation for the 2012 Africa Nations Cup and has conducted an awareness campaign to educate local leaders and residents about the problem of commercial sexual exploitation.²²¹⁹ The Government continued to conduct maritime surveillance of the country's more than 2,000 kilometer-long coastline to thwart human trafficking.²²²⁰

Although the Government has taken steps to combat trafficking and exploitation of children in street work, research found no evidence of efforts to withdraw children from other worst forms of child labor.

Government Policies on the Worst Forms Child Labor

Gabon's UN Development Assistance Framework 2007–2011 includes the goal of bringing national legislation into alignment with the country's bilateral and regional agreements to combat child trafficking as well as ILO Convention 182 and other international conventions it has ratified. The framework contains no specific provisions on child trafficking or child labor.²²²¹

The Government continued to implement a trafficking in persons action plan during the period, which focuses on building government capacity to enforce laws against trafficking.²²²² The Government worked with UNICEF during 2010 to initiate a survey on trafficking victims, but full funding for the survey has not been obtained.²²²³

The Government continued to collaborate with international organizations and neighboring governments about trafficking investigations and repatriation of victims, including some victims of Operation BANA.²²²⁴ Although a formal agreement is not in place, standard operating procedures are in place with the Government of Benin to facilitate repatriation of trafficking victims from that country. Informal agreements are in place not only with Benin, but other countries in the region such as Mali, Nigeria and Togo, to cover the costs of repatriating trafficking victims.²²²⁵

While policy is well-developed regarding child trafficking, there is no evidence that the Government has conducted research on or developed subsequent policies to assist children engaged in other worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In collaboration with UNICEF, the Government engaged during 2010 in a program to encourage birth registrations, however, some families failed to obtain them due to isolation, poverty and ignorance of the law.²²²⁶

The Government also operated one and funded three other shelters for trafficking victims (both children and adults), to provide food, shelter, medical care, family tracing, counseling and

schooling.²²²⁷ The Government also created response units to handle and report trafficking cases and provide temporary protection for victims.²²²⁸ During routine visits to city street markets, social workers discovered that some children rescued in Operation BANA, who had been sent to shelters and subsequently released, were back on the streets. There is suspicion that such children were released to imposters posing as guardians, and the police are investigating.²²²⁹ Despite the comprehensive set of services provided to children at the shelters, this case suggests weaknesses in the verification of children's guardianship prior to release.

In cooperation with UNICEF, the Government maintained its telephone hotline to report suspected cases of trafficking.²²³⁰ The results of a 2009 survey suggested that many Gabonese were aware of instances of trafficking but unaware of laws and efforts to combat it. Partially in response to these results, the Government continued efforts to raise awareness of trafficking through a billboard campaign in Libreville and door-to-door campaigns in other parts of the country.²²³¹

As in the area of policy, although the Government has programs to prevent trafficking and assist victims, programs to address other worst forms of child labor in domestic service and street work are lacking.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Gabon:

IN THE AREA OF LEGISLATION:

- Issue the decree laying out the complete list of hazardous types of work and enterprises in which children are prohibited from working.
- Ensure that self-employed children are legally protected against the worst forms of child labor.
- Amend laws to prohibit child prostitution.
- Take steps to address the indirect costs of education and ensure sufficient numbers of schools and teachers.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Increase human and financial resources available to the labor inspectorate.
- Gather, analyze and disseminate child labor enforcement information, including by addressing information sharing deficiencies among government ministries.
- Take measures to investigate cases of child domestic service and withdraw children from such situations.

IN THE AREA OF GOVERNMENT POLICY:

- Conduct nationwide research to better determine the extent and nature of the worst forms of child labor in Gabon, and assess the need for additional policies to combat them.

IN THE AREA OF PROGRAMS:

- Provide assistance to families who have not yet been reached by birth registration efforts.
- Take steps to address lapses in identification of child guardians prior to release of victims from shelters.
- Institute programs to prevent and assist victims of the worst forms of child labor in domestic service and street work who are not victims of trafficking.

²¹⁸¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

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- ²¹⁹⁰ ILO Conference Committee, *Examination of individual case concerning Convention No. 182, Worst Forms of Child Labour, 1999 Gabon (ratification: 2001) Published: 2007*, March 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=797&chapter=13&query=Gabon%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, “Country Reports- 2010: Gabon,” section 7c.
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- ²¹⁹² Ibid.
- ²¹⁹³ Government of Gabon, *Ordonnance no. 018/PR/2010 du 25 fevrier 2010 portant modification de certaines dispositions du Code du Travail de la Republic Gabonaise*, (May 15, 2010), article 177; available from http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en.
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- ²¹⁹⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Submitted: 2009*, March 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23513&chapter=9&query=Gabon%40ref&highlight=&querytype=bool&context=0>.
- ²¹⁹⁶ Government of Gabon, *Code du travail*, article 4.
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²²²⁶ *Ibid.*, para 5.13.e. See also U.S. Department of State, “Country Reports- 2010: Gabon,” section 6.

²²²⁷ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 5.13.b/c and 6.15.a.

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²²²⁹ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 6.14.i.

²²³⁰ *Ibid.*, para 6.15.e.

²²³¹ *Ibid.*, para 4.12.a.